MGN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6701 OF 2006

Shri Sopan Shankarrao Palaskar..Petitioner
Vs.
State of Maharashtara & Ors.....Respondents

Mr.R.G. Ketkar for the Petitioner
Mrs. M.P. Thakur, AGP for respondents.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 9TH MARCH, 2007.

P.C.

. The petitioner by the present petition challenges the order dated 23rd August, 1999 passed by the Maharashtra Administrative Tribunal. The petitioner was charge sheeted. According to the learned Counsel for the petitioner the petitioner was found guilty of charge No.3 and Charge No.4 has been partly proved. Based on the charges the petitioner was dismissed from service. The various representations including Appeal are dismissed, pursuant to which he filed Original Application. Before the M.A.T. it was pointed out that the findings were perverse. The learned Tribunal in para.5 has discussed the contention and also noted the evidence of the Collector, who was examined considering the defence of the petitioner herein that the Collector had approved the file. Evidence of the Collector was that the petitioner misled the Collector on that aspect. It cannot be said that the findings are perverse or based on no evidence.

2. The next contention is in the matter of examining

witnesses whose names were not earlier given or made available to the petitioner. The relevant Rules permitted additional evidence. The petitioner was given sufficient opportunity. Considering that also it is not possible to interfere with the findings recorded by the learned Tribunal.

3. Considering the nature of the charge and the gravity of the misconduct it cannot be said that the punishment imposed is harsh or disproportionate to the misconduct alleged against the petitioner. We find no cause for interfering with the order passed by the M.A.T. The order does not suffer from any error apparent on the face of the record. In the light of that petition dismissed.

(**F.I.REBELLO**, J)

(**R.M.SAVANT,J**.)